

**Wilson County Board of Zoning Appeals Minutes**  
**June 20, 2019**

The Wilson County Board of Zoning Appeals met June 20, 2019 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff and Court Reporter Teresa Hatcher, hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw or request deferral could do so at this time. Thompson informed everyone that a stenographer was present and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each and every one of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the May 16, 2019 meeting were read and approved, motion made by Abercrombie, second by Kawczynski and all voting aye.

The following cases were presented:

**CASE 3697 (Deferred from the May 16, 2019 meeting)**

**REQUEST:** Peter Schulert is seeking to establish a two thousand, two hundred (2200) feet grass air strip. The property located at 3287 Old Rome Pike; Roe Purnell Estate is Parcel 9.01 on Wilson County Tax Map 42. The property consists of 221.16 acres and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03.1 USES PERMISSIBLE ON APPEAL - A. Aircraft landing field, hangars and equipment. The general intent of this subsection is to ensure the orderly development of aircraft landing fields, hangars, equipment and local traffic patterns in Agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, and general welfare of the citizens of Wilson County. If approved, a site development plan of the proposed airfield shall be submitted to the Wilson County Planning Commission for approval.

**ACTION:** Neal stated due to a conflict in interest, he would be abstaining on this request. Thompson stated Mr. Blaydes would not be voting due to the fact he wasn't at the last meeting to hear all the conversation concerning this case. Thompson also stated that they would only be hearing from people that didn't speak at the last meeting. Staff read recommendations. Dave Stout, residing at 4205 Old Rome Pike appeared in opposition. Cathey Roberts, residing at 2454 Old Rome Pike appeared in opposition. Phyllis Johnson, residing at 3082 Old Rome Pike appeared in opposition. Mary Preston, residing at 393B NE Young Road appeared with concerns. Jim Hundley, residing at

1954 Old Rome Pike appeared in opposition. Isabell Hall, area property owner appeared in opposition. Zac Dufour, civil engineer with Kimley Horn appeared submitting information in opposition. David Roberts, residing at 2454 Old Rome Pike appeared in opposition. Mark Wright, residing at 1791 Goshen Road appeared in opposition. Gwen Cherry, residing at 1232 Big Springs Road appeared in favor. Dan Walker, 10<sup>th</sup> district commissioner appeared as a character reference for Peter Schulert. John Gentry, 11<sup>th</sup> district commissioner and airport commissioner appeared in favor. Christine Wright, residing at 1791 Goshen Road appeared with concerns. Chris Dowell, commissioner in the area appeared. Attorney Byron Gill representing Peter Schulert appeared. Attorney Shawn Henry, representing the Bellwood community and land owners appeared in opposition and also submitted information on Lebanon's airport and addresses of private airstrips. Attorney Jack Lowery Jr appeared stating if the board chooses to approve the airstrip, he suggested placing restrictions on the approval. County Attorney Mike Jennings spoke concerning all information being given. After discussion, Thompson moved to approve with the following stipulations; must have proper muffler, must comply with FFA regulations, no air shows or commercial use, personal use only, daytime use only, no paving the airstrip, can house three (3) planes, no training or acrobat maneuvers and no flying over any homes during take-off. Kawczynski seconded and made an amendment to include a stipulation of no more than six (6) cycles (take-off and landings) per day and no more than 100 cycles (take-off and landings) per year and all voting aye, the request was approved based on staff recommendations and the above stipulations.

**CASE 3703**

**REQUEST:** Ben Polston is seeking to establish a contractor's storage yard for the storage of construction equipment in a proposed accessory structure. Applicant is also seeking to install a full kitchen within the proposed accessory structure. The property located at 1916 Double Log Cabin Road, Lot 3, Carl Willis Property is Parcel 9.17 on Wilson County Tax Map 34. The property consists of 8.55 acres and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03.1 USES PERMISSIBLE ON APPEAL - DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals. 5.20.04 USES PROHIBITED - Uses not specifically permitted or permissible on appeal.

**ACTION:** Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Thompson to deny the request for a contractor's storage yard but to approve a variance to store two (2) pieces of commercial equipment, second by Thorne and all voting aye. The request for a kitchen was left up to the Building Inspector's Office to enforce the Wilson County Zoning Ordinance.

**CASE 3704**

**REQUEST:** Damon Choate is seeking a variance of four (4) feet from the south side yard setback requirement of twenty (20) feet in order to replace an existing deck. The variance will allow the deck to be sixteen (16) feet from the south side property line. The property located at 145 Smith Hollow Road, Lot 11, Howard Donnell Property is Parcel

33.12 on Wilson County Tax Map 131. The property consists of 1.25 acres and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - B. SIDE YARD 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12]

**ACTION:** Staff read recommendations stating a request of six (6) feet from the west front yard setback requirement of thirty (30) feet was also needed for a front porch. Applicant appeared presenting his request. After discussion, motion made by Kawczynski, second by Neal and all voting aye, both variances were approved.

#### **CASE 3705**

**REQUEST: K and A Land Surveying** is seeking a variance of thirty (30) feet from the rear yard setback requirement of forty (40) feet and a variance of five (5) feet from the south side yard setback requirement of fifteen (15) feet. The variance is needed for the proposed house and the proposed pool. The variance will allow the house to be ten (10) feet from the rear yard property line and ten (10) feet from the south side property line. Applicant is also seeking a variance of approximately nineteen thousand, two hundred (19,200) square feet from the lot size requirement of forty thousand (40,000) square feet. The property located at 801 Lakeview Circle, Lot 15, Trails End is Group "D", Parcel 1 on Wilson County Tax Map 11 "K". The property consists of approximately twenty thousand, eight hundred (20,800) square feet and is zoned R-1 Residential.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [resolution 15-2-12] C. REAR YARD - 1. For principal structures (not served by public sewer system) there shall be a rear yard of not less than forty (40) feet. [revised 12-13-93 revised resolution 07-7-4] - F. MINIMUM LOT AREA - 4. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet; with detailed soils analysis and with approval by the State of Tennessee Department of Environment and Conservation minimum lot area may be decreased to thirty thousand (30,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised 8-24-90]

**ACTION:** Staff read recommendations. Brian Keith with K and A Land Surveying appeared presenting his request. After discussion, motion made by Abercrombie, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

#### **CASE 3706**

**REQUEST: Darrell Tidwell** is seeking to establish an Airbnb/short-term rental on A-1 Agricultural zoned property. The property located at 272 Davis Road, Lot 6, Oakland Estate is Parcel 17.09 on Wilson County Tax Map 25. The property consists of 9.48 acres.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03 USES PERMISSIBLE ON APPEAL (revised 12/15/2003 resolution 03-12-2) - 5.20.03.1 USES PERMISSIBLE ON APPEAL - C. Bed and Breakfast Facility: 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on premises within 10 Miles of the Bed and Breakfast Facility to oversee operations. 2. Bed and Breakfast Facilities shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as, contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sheriff's office, the County Building inspector, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations. 3. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health. 4. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer septic as determined by the Tennessee Department of Environment and Conservation. 5. This use will be approved in increments with option to request renewal or extension at the end of that time period.

**ACTION:** Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Thompson to approve with the following stipulations: approval is for one year, applicant is to submit a plot plan to be part of the approval and submit a more detailed business plan, second by Abercrombie and all voting aye, the request was approved based on staff recommendations with the above stipulations.

#### **CASE 3707**

**REQUEST:** Steve Kohl is seeking to establish an Airbnb/short-term rental on R-1 Residential zoned property and also seeking a variance from the two (2) acre requirement for an Airbnb/short-term rental. The property located at 1040 Gay Winds Drive, Lot 41, Gaywinds is Group "A", Parcel 3 on Wilson County Tax map 32 "J". The property consists of approximately forty thousand, two hundred and fifty (40,250) square feet.

**ORDINANCE REFERENCE:** ARTICLE 5 – ZONING DISTRICTS - SECTION 5.10 – RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL - "K" Bed and Breakfast Facility

1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on premises within 10 Miles of the Bed and Breakfast Facility to oversee operations.
2. Bed and Breakfast Facilities shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as, contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sheriff's office, the County Building

inspector, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.

3. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.
4. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer septic as determined by the Tennessee Department of Environment and Conservation.
5. All properties in which this use is approved must have a minimum of two (2) acres.
6. This use will be approved in increments with option to request renewal or extension at the end of that time period.

**ACTION:** Staff read recommendations. Applicant appeared presenting his request and stated there would only be a total of six (6) people. Helen Kohl, mother of the applicant appeared. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was denied based on staff recommendations.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

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Secretary